HON'BLE Mr. JUSTICE R. SUBHASH REDDY

Writ Petition No.21987 of 2007

Dated: October 12, 2007

Between:

V. Surender Rao, S/o. V. Hanumantha Rao,
Aged 35 years, Occ: Business, R/o. Flat No.303,
Road No.12, Prashanth Plaza, Hyderabad.

… Petitioner

And

The Mega City Co-op Urban Bank Ltd.,
Rep. by its Official Liquidator, 3&5,
Diamond Complex, J.N. Road, Abids,
Hyderabad, and others.

… Respondents

Order:

This writ petition has been filed seeking Mandamus to direct respondents not to register any document pertaining to Sy.No.100 of Nizampet Village, Qutbullapur Mandal, Ranga Reddy District.

2. Heard learned counsel for the petitioner and learned Government Pleader for Revenue appearing for respondents.

3. Petitioner submitted representation dated 03-10-2007 to the Sub-Registrar, Medchal Mandal, Ranga Reddy District stating that land admeasuring Ac.3.16 guntas in Sy.No.100 of Nizampet Village,

Qutbullapur Mandal, Ranga Reddy District, was purchased by the Mega City Cooperative Urban Bank Ltd., first respondent herein. It is stated in the affidavit filed in support of the writ petition as well as the aforesaid representation that the land in Sy.No.100 was made into plots in the year 1987 and petitioner, along with some others, purchased various extents by registered sale deeds. It is the case of the petitioner that there are several civil suits pending with regard to the aforementioned survey number and the first respondent-bank has purchased the said land without issuing any public notice as per A.P. Cooperative Societies Act, 1964; therefore, petitioner requested the respondents to treat the aforementioned representation as an objection under Rule 58 of A.P. Registration Rules (for short 'the Rules') framed under the Registration Act, 1908 and cancel the document of sale presented by the liquidator of the first respondent-bank.

4. Learned counsel for the petitioner submits that in view of Rule 58 of the Rules, it is obligatory on the part of respondents to take into account the objections of the petitioner before considering any request for registration of land in the survey number in question.

5. Rules 57 and 58 of the Rules deal with enquiry before registration of any document. Rule 58 of the Rules reads as under:

> "It forms no part of a registering officer's duty to enquire into the validity of a document brought to him for registration or to attend to any written or verbal protest against the registration of a document based on the ground that the executing party had no right to execute the document; but he is bound to consider objections raised on any of the grounds stated below:
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> (a) that the parties appearing or about to appear before him are not the persons they profess to be;
> (b) that the document is forged;

(c) that the person appearing as a representative, assign or agent, has no right to appear in that capacity;
(d) that the executing party is not really dead as alleged by the party applying for registration; or
(e) that the executing party is a minor or an idiot or lunatic."

6. A reading of the said Rule makes it clear that it is not the duty of the registering officer to enquire into the validity of a document presented before him for registration. In this case, petitioner has submitted representation dated 03-10-2007 to the fourth respondent requesting him to treat the same as an objection under Rule 58 of the Rules and cancel the document of sale presented by the liquidator of the first respondent-Bank. However, it is to be seen that under Rule 58, the registering officer has no right or power to investigate into a particular document presented for registration. Merely because a representation is filed, it is not obligatory on the part of the fourth respondent to refuse to register a document. Moreover, having regard to the allegations made, there are serious factual disputes, for which, the petitioner has to approach competent civil court for appropriate relief. It is well settled that such factual disputes cannot be gone into and resolved in a petition filed under Article 226 of the Constitution of India. In that view of the matter, no relief as sought for can be granted.

7. The writ petition is devoid of merits and is accordingly dismissed, reserving liberty to the petitioner to avail remedies open under law, including filing a suit before the competent civil court. If any such suit is filed, the same shall be considered and appropriate orders be passed on its own merits, uninfluenced by any of the observations made in this order. No order as to costs.

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JUSTICE R. SUBHASH REDDY.

October 12, 2007
MRR